

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Browne	Team: Squad #8	CCRB Case #: 201601215	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 02/11/2016 , Tuesday, 02/16/2016 9:30 PM	Location of Incident: § 87(2)(b)	Precinct: 75	18 Mo. SOL 8/16/2017	EO SOL 8/16/2017	
Date/Time CV Reported Fri, 02/19/2016 10:45 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 02/19/2016 10:45 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Trione	04136	949743	WARRSEC
2. DT3 Thomas Napolitano	3282	940682	WARRSEC
3. POM Bernard Corso	25275	946460	WARRSEC
4. DT3 Ravi Narayan	4407	930799	WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Julio Roman	05257	919644	WARRSEC
2. POM Stephen Hughes	20245	951832	WARRSEC
3. DT3 Herold Alexis	01779	924876	WARRSEC
4. POM Jonathan Bulzomi	04276	948711	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.POM Bernard Corso	Abuse: Police Officer Bernard Corso refused to show the arrest warrant to § 87(2)(b)	
B.DT3 Thomas Napolitano	Abuse: Detective Thomas Napolitano entered and searched § 87(2)(b) in Brooklyn.	
C.POM Daniel Trione	Abuse: Police Officer Daniel Trione entered § 87(2)(b) in Brooklyn.	
D.DT3 Thomas Napolitano	Abuse: Detective Thomas Napolitano frisked § 87(2)(b)	
E.POM Daniel Trione	Abuse: Police Officer Daniel Trione frisked § 87(2)(b)	
F.POM Daniel Trione	Abuse: Police Officer Daniel Trione frisked § 87(2)(b)	
G.DT3 Ravi Narayan	Abuse: Detective Ravi Narayan interfered with § 87(2)(b)'s ability to photograph an incident.	
H.DT3 Ravi Narayan	Abuse: Detective Ravi Narayan threatened to arrest § 87(2)(b)	
I.DT3 Ravi Narayan	Abuse: Detective Ravi Narayan threatened to arrest § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
J.DT3 Ravi Narayan	Abuse: Detective Ravi Narayan threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]
K.DT3 Ravi Narayan	Abuse: Detective Ravi Narayan threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]
L.DT3 Ravi Narayan	Abuse: Detective Ravi Narayan threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

There is no relevant video footage associated with this incident. At approximately 9:30 p.m. on February 16, 2016, § 87(2)(b) had just finished doing laundry and returned to her apartment on the § 87(2)(b) in Brooklyn. With her in her room at the time were her half-brother § 87(2)(b), § 87(2)(b)'s cousin § 87(2)(b), § 87(2)(b)'s god-daughter § 87(2)(b) and § 87(2)(b)'s cousin § 87(2)(b). As the groups was rolling marijuana to smoke, officers identified as Detective Thomas Napolitano and Police officer Daniel Trione of the Brooklyn North Warrants Squad knocked on the door. Also with them were the other members of the Warrants Squad, including Detective Ravi Narayan, Sgt. Julio Roman, Police Officer Police Officer Bernard Corso, Police Officer Stephen Hughes, Detective Herold Alexis, and Police Officer Jonathan Bulzomi.

§ 87(2)(b) opened the door and allegedly demanded to see a warrant. No officer ever allegedly ever presented any warrant (**Allegation A**). After a few minutes of conversation, Det. Napolitano and PO Trione allegedly pushed the door fully open and entered the apartment, with the others following in behind them (**Allegations B and C**). Det. Napolitano immediately frisked § 87(2)(b) (**Allegation D**) while PO Trione frisked § 87(2)(b) (**Allegation E**). At some point thereafter, PO Trione and PO Hughes went to a back room in the apartment and discovered that § 87(2)(b) was also in the apartment. As such, PO Trione frisked § 87(2)(b) (**Allegation F**).

Thereafter, all of the civilians provided their identification or verbally identified themselves upon request. Additionally, § 87(2)(b) was reportedly filming and photographing the officers with her cell phone, prompting Det. Narayan to tell her that if she did not delete all the photos and videos on her phone, he would arrest all of them for marijuana (**Allegations G, H, I, J, K, L, and M**). Although § 87(2)(b) reportedly initially refused to do so, Det. Narayan allegedly stated that if she did not comply, the officers would not leave. § 87(2)(b) reportedly then complied, at which point the officers departed without issuing any summonses or arresting anyone. § 87(2)(g)

Mediation, Civil and Criminal Histories

- [illegible]

- As of May 3, 2016, no one has filed any notice of claim with the City of New York related to this incident (see Board Review #2).

Civilian and Officer CCRB Histories

- Det. Napolitano has been a member of the NYPD for ten years and has been a subject in ten other CCRB cases involving seventeen FADO allegations. Only one allegation of physical force has been substantiated against him in the past, for which charges were recommended. No allegations of searches or entries have previously been pleaded against him. He has been the subject of two prior frisk allegations, one of which was exonerated and the other closed as victim unavailable. He has also been the subject of two prior search allegations, one of which was unsubstantiated and the other of which was closed as victim unavailable.
- PO Trione has been a member of the NYPD for five years and has been a subject in three prior CCRB cases involving five allegations, none of which have been substantiated against him. § 87(2)(g)
- Det. Narayan has been a member of the NYPD for twelve years and has been a subject in four prior CCRB cases involving six allegations, none of which have been substantiated against him. He has been the subject of one prior frisk allegation and two prior search allegations, all of which were unsubstantiated. He has also been the subject of an allegation of threatening to notify ACS on a civilian, which was also unsubstantiated.
- § 87(2)(b) has filed only one other complaint with the CCRB § 87(2)(b)

Potential Issues

During an initial telephone conversation with § 87(2)(b) on March 1, 2016, she provided a brief telephone statement and scheduled her in-person statement for March 4, 2016. A text reminder was sent to her in advance of this appointment, but she failed to appear without calling in advance to cancel or reschedule. During a third telephone call on March 7, 2016, § 87(2)(b) rescheduled her interview for March 11, 2016. Although a reminder letter was mailed and emailed to her, neither of which has been returned to the CCRB either electronically or via the United States Postal Service, § 87(2)(b) again failed to appear for her interview without cancelling or rescheduling in advance. On March 18, 2016, a final missed appointment letter, which has also not been returned to the CCRB, was mailed to § 87(2)(b) and on March 22, 2016, a fifth call was made to her, though she did not answer and a voicemail was left. A search of the New York City Department of Corrections inmate lookup database on June 18, 2016 confirmed that § 87(2)(b) has never been incarcerated.

Between March 7, 2016 and March 14, 2016, three calls were made to § 87(2)(b) and voicemails were left each time. During a fourth contact attempt on March 17, 2016, § 87(2)(b) answered and scheduled his in-person statement for March 21, 2016. § 87(2)(b) failed to appear for that appointment without calling in advance to cancel or reschedule. A fifth call was made to him on March 22, 2016, though he did not answer and a voicemail was left requesting a call back. Additionally, a please call letter and a missed appointment were mailed to § 87(2)(b) on March 11, 2016 and March 22, 2016, respectively. Neither has been returned to the CCRB via the United States Postal Service. A search of the New York City Department of Corrections inmate lookup database on June 18, 2016 showed that § 87(2)(b) has never been incarcerated.

Contact attempts were made to all victims in this case, including § 87(2)(b) and § 87(2)(b). Between March 1, 2016 and March 17, 2016, five calls were placed to each of the numbers provided or found for § 87(2)(b) and § 87(2)(b). On all but one occasion, the calls went to voicemail and the undersigned left a message requesting a call back. On March 1, 2016 and March 8, 2016, respectively, two Please Call letters were mailed to § 87(2)(b). On March 4, 2016 and March 11, 2016, respectively, two Please Call letters were mailed to § 87(2)(b). None of the aforementioned letters have been returned to the CCRB via the United States Postal Service. Although there were too many results in the New York City Department of Corrections inmate lookup database to determine if the § 87(2)(b) in question has been or is incarcerated, a search on June 13, 2016 revealed that § 87(2)(b) was not incarcerated.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]. In total, nine officers were interviewed for this case.

Findings and Recommendations

Allegation A—Abuse of Authority: Police Officer Bernard Corso refused to show the arrest warrant to § 87(2)(b)

It is undisputed that prior to this incident on February 11, 2016, Det. Napolitano, Det. Narayan, PO Trione, and PO Corso went to § 87(2)(b)'s apartment door as part of PO Corso's investigation into § 87(2)(b), for whom there was an outstanding i-card and warrant. It is also undisputed that § 87(2)(b) never opened the door that day, so they left.

§ 87(2)(b) alleged (see Board Review #4) that when she answered the door on the date of this incident and spoke to the officers, she demanded to see a warrant. She alleged that in response, an unidentified officer made a sarcastic remark, to which she stated that she knew her rights. § 87(2)(b) maintained that she asked numerous other times during the conversation to see a warrant, but no officer ever showed her one. Meanwhile, § 87(2)(b) corroborated (see Board Review #5) that § 87(2)(b) asked to see a warrant prior to opening the door, but claimed that unspecified officers told her there was no warrant and instructed her to open the door.

It is undisputed among the officers that the reason for going to § 87(2)(b) on February 16, 2016, was again to locate and apprehend § 87(2)(b). PO Corso acknowledged (see Board Review #6) that at some point during the incident, § 87(2)(b) requested to see a search warrant, which prompted PO Corso to tell her that there was no search warrant, only an arrest warrant for § 87(2)(b). PO Corso stated that § 87(2)(b) then acknowledged that § 87(2)(b) and § 87(2)(b) used to live in the neighboring apartment, but that she had not seen them for quite some time. PO Corso did not report ever showing § 87(2)(b) the arrest warrant for § 87(2)(b). Det. Napolitano (see Board Review #7), however, stated that although he did not recall definitively, § 87(2)(b) may have requested one and he believed either he or PO Corso

showed it to her. Yet, whether or not they heard or recalled § 87(2)(b)'s request to see a warrant, none of the other officers reported a warrant being shown.

Patrol Guide Procedure 208-42, subsection 2, instructs officers that for an arrest on a warrant, “present warrant, if requested, or as soon as possible, if not possessed at the time of the arrest” (see Board Review #8)

§ 87(2)(g)

Allegation B—Abuse of Authority: Detective Thomas Napolitano entered and searched § 87(2)(b) in Brooklyn.

Allegation C—Abuse of Authority: Police Officer Daniel Trione entered § 87(2)(b) in Brooklyn.

Allegation D—Abuse of Authority: Detective Thomas Napolitano frisked § 87(2)(b)

Allegation E—Abuse of Authority: Police Officer Daniel Trione frisked § 87(2)(b)

Allegation F—Abuse of Authority: Police Officer Daniel Trione frisked § 87(2)(b)

§ 87(2)(b) explained that the house is configured such that there are five railroad style bedrooms on the § 87(2)(b) that serve as separate apartments, all accessible off of a common area hallway and kitchen. The apartment lease is in § 87(2)(b)'s name, but § 87(2)(b) and § 87(2)(b) were reportedly also living in two of the rooms. Additionally, § 87(2)(b)'s former friend, § 87(2)(b), had recently been renting one of the rooms from § 87(2)(b). Although § 87(2)(b) reportedly moved out four months prior to this incident, she still stored some of the possessions there. § 87(2)(b) stated that at the time of this incident, she was with § 87(2)(b) and § 87(2)(b). § 87(2)(b) maintained that the others were all smoking marijuana when she heard a knock at the door and answered. She maintained that she spoke to Det. Napolitano and PO Trione for a few minutes, before one of the officers used his hands to push the door open wider, allowing all of the officers into the room. § 87(2)(b) acknowledged that as the officers entered, the other civilians threw their marijuana cigarettes behind the couch. Although she could not recall which officers interacted with which civilians, § 87(2)(b) further alleged that § 87(2)(b) and § 87(2)(b) were frisked. During her brief telephone statement, § 87(2)(b) made no mention of anyone being frisked.

PO Corso, who was in officer assigned the investigation at this location, testified that there was both an active warrant (see Board Review #9) and an active I-card for § 87(2)(b) regarding the strangulation of his girlfriend. § 87(2)(b) had also been charged with criminal possession of a weapon in the third degree. He learned that § 87(2)(b) was living at § 87(2)(b) from Det. Brienza, who had spoken with § 87(2)(b) at that location. There was also a bench warrant for § 87(2)(b) at that location, who had failed to appear for a court date in § 87(2)(b) 2015. PO Corso was looking both for § 87(2)(b) and § 87(2)(b).

PO Trione (see Board Review #10), PO Corso, and Det. Napolitano all maintained that when they went to the location on February 11, 2016 (five days prior to the incident date), a female resident on the § 87(2)(b) viewed a picture of § 87(2)(b) and stated that he lived on the § 87(2)(b) with his girlfriend. None of the officers involved knew in which specific apartment he lived, though PO Trione claimed to believe that all of the apartments were connected based on his experience working in similar type buildings. They investigated the location by knocking on § 87(2)(b)'s door, but she did not let them in or answer any of their questions.

On February 16, 2016 at approximately 9pm, PO Corso, PO Trione, PO Hughes (see Board Review #11), and Det. Napolitano returned to the location. As they sat in their vehicle, they observed numerous people entering and exiting the location. They had a photo of § 87(2)(b) and believed that they observed him enter the location. Given the large number of individuals who they had seen entering the location, they called other officers from their team for back-up. PO Trione and Det. Napolitano went to § 87(2)(b)'s door and knocked. § 87(2)(b) was again agitated and did not want to open the door. PO Trione tried to calm her down and she eventually partially opened the door. With the door open and § 87(2)(b) partially blocking his view, PO Trione saw two male civilians approximately five to ten feet behind her one of whom had his hand cupped at his chest, apparently concealing an object. This male was identified via the investigation to be § 87(2)(b). When § 87(2)(b) spotted the officers, he scurried across the room to a couch before inserting the same hand and object into the cushions. PO Trione believed the object to be a gun, but could not see any part of the object, but believed it to be a gun based on the frantic movements of the male and the way he was holding the object on his chest. PO Trione did not see any bulges on his body and did not see anything that resembled a weapon. PO Trione did not see the second male make any gestures, but he believed the two were making physical contact, suggesting that they might be passing something between them. Det. Napolitano confirmed observing the same actions. Both PO Trione and Det. Napolitano cited their belief that § 87(2)(b) was hiding a gun as the reason for entering the apartment. PO Trione did not believe that § 87(2)(b) would be concealing marijuana in the cushions because in his experience people do not act so frantic to cover up a petty offense.

Upon entering, Det. Napolitano told § 87(2)(b) to place his hands in the air and then observed bulges in § 87(2)(b) front pockets. He frisked § 87(2)(b) to ensure that he was not in possession of a gun. He did not feel a gun and could not recall if he entered his pockets. Det. Napolitano then checked the crevice in the couch, but did not recover anything.

PO Trione and PO Hughes entered a back room adjoining the front room where they encountered § 87(2)(b). PO Trione testified that § 87(2)(b) opened the door himself. PO Trione frisked § 87(2)(b) because § 87(2)(b) had lied about his presence at the location and he believed § 87(2)(b) to be hiding from the officers.

In the case of *PD v. Benjamin*, 51 N.Y.2d267 in regards to a frisk, the court argued “it would, indeed, be absurd to suggest that a police officer has to await the glint of steel before he can act to preserve his safety.” (see Board Review #12)

§ 87(2)(g)

Allegation G—Abuse of Authority: Detective Ravi Narayan interfered with § 87(2)(b)'s ability to photograph an incident.

Allegation H—Abuse of Authority: Detective Ravi Narayan threatened to arrest § 87(2)(b)

Allegation I—Abuse of Authority: Detective Ravi Narayan threatened to arrest § 87(2)(b)

Allegation J—Abuse of Authority: Detective Ravi Narayan threatened to arrest § 87(2)(b)

Allegation K—Abuse of Authority: Detective Ravi Narayan threatened to arrest § 87(2)(b)

Allegation L—Abuse of Authority: Detective Ravi Narayan threatened to arrest § 87(2)(b)

As noted above, § 87(2)(b) acknowledged that all of the civilians other than herself were smoking marijuana at the time of this incident. § 87(2)(b) also maintained that after entering the apartment, PO Trione told her they were not there to lock them up for marijuana. § 87(2)(b) stated that amidst the incident, she recorded and photographed the officers on her cell phone. However, she alleged that Det. Narayan noticed this and told her that if she did not delete all of the content, he would arrest all of them for possession of marijuana. § 87(2)(b) claimed that she initially refused to do so, but that Det. Narayan allegedly stated they would not leave until she did, so she complied. § 87(2)(b) denied that anyone was smoking marijuana at the time, but claimed that an officer threatened to arrest § 87(2)(b) for possession because there was marijuana in the apartment. § 87(2)(b) further maintained that since § 87(2)(b) had been recording the officers, she requested that if she deleted the contents, they let her go without being arrested. § 87(2)(b) stated that the officers agreed and departed without arresting her.

Det. Narayan (see Board Review #13) stated that he did not recall anyone ever attempting to record this incident, though it was possible that someone was. He further stated that he did not recall threatening to arrest anyone if § 87(2)(b) did not delete data on her phone, or that they would not leave until she did so. PO Corso acknowledged seeing § 87(2)(b) recording during the incident and separately acknowledged that at some point, the civilians were told that possession of marijuana is an arrestable offense, though the officers were not there for that

purpose. However, PO Corso did not recall hearing any statements made about the civilians being arrested if § 87(2)(b) did not delete data on her phone. PO Trione, Det. Napolitano, and Sgt. Roman, who was admittedly only present for a few moments, denied knowledge of anyone recording the incident or related discussion, including threats to arrest for not deleting data.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Squad: ____

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date